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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) CASE NO. 16-CR-134-CVE
)
JEFFREY ALLEN STEVENS,)
)
Defendant.)

TRANSCRIPT OF PROCEEDINGS
APRIL 14, 2017
BEFORE THE HONORABLE CLAIRE V. EAGAN, JUDGE PRESIDING

SENTENCING HEARING

A P P E A R A N C E S

FOR THE PLAINTIFF: MR. R. TRENT SHORES
MR. ALLEN JOHNSTON LITCHFIELD
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FOR THE DEFENDANT: MR. WILLIAM P. WIDELL, JR.
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1 PROCEEDINGS:

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3 **THE DEPUTY COURT CLERK:** In the case United States of
4 America vs. Jeffrey Allen Stevens, case number 16-CR-134-CVE.

5 Would the parties please identify themselves for the
6 record.

7 **MR. SHORES:** Good morning, Your Honor. Trent Shores
8 and Allen Litchfield on behalf of the United States.

9 **THE COURT:** Thank you.

10 **MR. WIDELL:** William Widell on behalf of Mr. Stevens,
11 Your Honor.

12 **THE COURT:** All right. Mr. Stevens is present. We're
13 here today for sentencing. Would you please come forward with
14 Mr. Stevens.

15 Mr. Shores, have you had timely receipt of the presentence
16 investigation report?

17 **MR. SHORES:** Yes, Your Honor.

18 **THE COURT:** Any objections, corrections, or changes?

19 **MR. SHORES:** None.

20 **THE COURT:** Mr. Stevens, did you have a chance to read
21 the presentence report?

22 **THE DEFENDANT:** Yes, Your Honor.

23 **THE COURT:** And did you have a chance to discuss it
24 with Mr. Widell?

25 **THE DEFENDANT:** Yes, I did.

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1 **THE COURT:** Mr. Widell, did you have timely receipt of
2 that report?

3 **MR. WIDELL:** I did.

4 **THE COURT:** Any objections, corrections, or changes?

5 **MR. WIDELL:** Just the objections on file, Your Honor.

6 **THE COURT:** All right. So, before I get to your
7 objections, I want to note that in paragraph 8, the offense
8 conduct, I think there's a typographical error. I think it
9 should be "September 19, 2016." Is that correct?

10 **MR. SHORES:** That is correct, Your Honor, consistent
11 with the allegations in the indictment.

12 **THE COURT:** Any objection to that, Mr. Widell?

13 **MR. WIDELL:** No, Your Honor.

14 **THE COURT:** All right. So, I'm going to direct that
15 paragraph 8 be corrected to show that the beginning date was
16 September 19th, 2016.

17 Now, with regard to your objections, Mr. Widell, is there
18 anything further you want to add to your written objections?

19 **MR. WIDELL:** No, Your Honor.

20 **THE COURT:** So I'll now rule on the objections to the
21 presentence report.

22 The defendant filed an objection to the presentence report,
23 docket number 48, containing two objections to the presentence
24 report. These objections both involve the number of victims,
25 therefore, they have been consolidated into one discussion.

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1 Specifically, defendant objects to paragraphs 16 through 38
2 of the presentence report, as they relate to the number and
3 nature of the victims of the offenses.

4 The defendant argues that the threats he made were directed
5 at the Tulsa Police Department, an entity, and not at
6 individual members and, therefore, the six-level enhancement
7 pursuant to sentencing guidelines section 3A1.2(b) identified
8 in paragraph 17 should not apply.

9 In addition, because he argues that there was only one
10 victim, he also argues that all five counts should group
11 together and three levels added in paragraph 35 should not
12 apply.

13 The court notes that in the five offenses of conviction,
14 beginning on or about September 19, 2016, and continuing
15 through on or about September 22nd, 2016, the defendant sent
16 electronic communications to the Tulsa Police Department
17 Internal Affairs Unit in Tulsa, Oklahoma, through the Tulsa
18 Police Department's website. All of the messages sent by the
19 defendant contained threats to kill members of the law
20 enforcement and legal community of Tulsa and Tulsa county
21 and/or their families. Several of these threats were directed
22 specifically at certain individuals, namely, Chief of Police
23 Chuck Jordan and Tulsa Police Officer Betty Shelby. The
24 defendant subsequently entered pleas of guilty to five counts
25 related to the aforementioned threats.

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1 Pursuant to commentary note 3 of sentencing guidelines
2 section 2A1.6, when a case involves multiple counts and
3 multiple victims, said counts are not grouped under sentencing
4 guidelines section 3D1.2.

5 Accordingly, because the defendant specifically threatened
6 Officer Shelby and Chief of Police Chuck Jordan, and made
7 generalized threats to the members of the Tulsa Police
8 Department and their children, the five counts were grouped
9 into three separate groups and the offense levels were
10 tabulated accordingly. As a result, the defendant received a
11 multi-count adjustment of three levels pursuant to sentencing
12 guidelines section 3D1.4.

13 Additionally, because Officer Shelby and Chief Jordan were
14 members of the Tulsa police force, and the threats made by the
15 defendant were made because of their status as police officers,
16 a six-level increase was applied pursuant to sentencing
17 guidelines section 3A1.2(b).

18 The defendant argues that the threats he made were directed
19 at the Tulsa Police Department, an entity, and therefore there
20 is only one victim. He further argues that the threats were
21 made to a government group and, as such, the enhancement under
22 section 3A1.2(b) should not apply pursuant to sentencing
23 guidelines section 3A1.2, commentary note 1.

24 In support of his arguments, the defendant argues that the
25 messages were sent to an e-mail address operated by the Tulsa

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1 Police Department and not directly to Officer Shelby or Chief
2 Jordan, nor did the messages contain instructions to forward
3 said threats to them. He proffers that it would have been a
4 simple matter to contact the individuals directly.

5 Contrary to the defendant's assertions, the court finds
6 that the e-mail address to which the threats were sent is not
7 determinative as to the number of victims.

8 In *United States v. Parker*, 551 F.3d 1167, Tenth Circuit,
9 2008, the Tenth Circuit found that when a defendant made
10 multiple phone calls to 9-1-1 threatening schools and city hall
11 with a bomb, it was proper to treat the threats as if they were
12 made to multiple victims despite the specific schools not being
13 named or the schools or city hall not being contacted directly
14 by the defendant. *Id.* at 1174.

15 Additionally, though the threats did not contain explicit
16 instructions from the defendant to forward the threats to the
17 intended victims, a reasonable person would expect a law
18 enforcement agency to inform any of its officers, former
19 officers, or family members of officers of potential dangers
20 and threats against their persons.

21 It is clear from the language of the guidelines, as well as
22 the holding in *Parker*, that the five counts involved at least
23 three separate victims: the members of the Tulsa Police
24 Department as a whole and their children, as well as Chief
25 Jordan and Officer Shelby who were specifically named.

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1 Accordingly, both the multi-count adjustment pursuant to
2 section 3D1.4 and the victim enhancement pursuant to section
3 3A1.2(b) were applied correctly. Therefore, the defendant's
4 two objections are overruled.

5 Mr. Widell, have I addressed all of your objections?

6 **MR. WIDELL:** Yes, Your Honor.

7 **THE COURT:** Having so ruled, therefore, the court
8 accepts the presentence report with the one correction made and
9 directs that it be filed of record, under seal as to the
10 portions not disclosed to defendant and counsel, and defendant
11 and counsel will not be permitted access to the portions under
12 seal.

13 Having ruled on that, Mr. Shores, do you know of any legal
14 or factual issues in dispute other than the pending motion for
15 variance or nonguideline sentence, docket number 50, the
16 sentencing memorandum of the defendant in support thereof,
17 docket number 49, and your response in opposition to the
18 variance?

19 **MR. SHORES:** None, Your Honor.

20 **THE COURT:** Other than those, any factual or legal
21 issues?

22 **MR. SHORES:** Nothing other than what the court has
23 mentioned.

24 **THE COURT:** And, as you know, I'll rule on those as
25 parts of stating the sentence.

1 **MR. SHORES:** Yes.

2 **THE COURT:** Mr. Widell, other than your pending motion
3 and legal arguments in support, and the government's
4 opposition, do you know of any legal or factual issues in
5 dispute?

6 **MR. WIDELL:** I do not.

7 **THE COURT:** All right. So, subject to my ruling on
8 those motions, I'll now make my factual findings with regard to
9 the advisory guideline range and then I'll ask counsel if
10 there's anything inaccurate in these findings.

11 Total offense level, 23; criminal history category, I;
12 custody, 46 to 57 months; supervised release, one to three
13 years per count; probation, ineligible; fine, \$20,000 to
14 \$200,000; restitution, not applicable; special monetary
15 assessment, \$500.

16 Mr. Shores, do you know of anything inaccurate in those
17 findings?

18 **MR. SHORES:** No, Your Honor.

19 **THE COURT:** And do you, Mr. Widell?

20 **MR. WIDELL:** I do not.

21 **THE COURT:** All right. Those will be the findings of
22 the court.

23 I'll note for the record that the defendant's plea of
24 guilty to each of Counts One, Two, Three, Nine and Ten of the
25 indictment were made pursuant to a written plea agreement,

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1 docket number 38.

2 Upon review of the presentence investigation report, the
3 court hereby accepts the plea agreement insofar as paragraphs
4 10 and 11 are covered by Rule 11(c)(1)(A).

5 I have read and considered two letters submitted on behalf
6 of the defendant, one from his girlfriend or partner, and one
7 from the community services facility. Have you seen those,
8 Mr. Widell?

9 **MR. WIDELL:** Yes, Your Honor.

10 **THE COURT:** And have you, Mr. Shores?

11 **MR. SHORES:** Yes, Your Honor.

12 **THE COURT:** All right. So I have read and considered
13 those.

14 At this time, before I hear from counsel and the defendant,
15 and consider further the arguments contained in the motion, are
16 there any victims present who wish to be heard?

17 **MR. SHORES:** Yes, Your Honor, there are two victims
18 present today who wish to make a brief statement to the court.
19 And a third victim, district judge Doug Drummond, provided the
20 government with a letter late yesterday that he asked that I
21 read to the court this morning.

22 **THE COURT:** Let's start with Judge Drummond's letter
23 then, please.

24 **MR. SHORES:** All right. Judge Drummond's letter
25 reads:

1 "Judge Eagan:

2 "I am unable to attend Friday's sentencing because of a
3 commitment to speak at a CLE in Oklahoma City.

4 "As a long-time prosecutor and as a judge on a criminal
5 docket, I know potential risks are associated to both jobs.
6 However, the knowledge of this threat (as well as the language
7 used) greatly concerned me, especially as it related to the
8 safety of my family (which includes my wife, two teenage
9 children and a 31-year-old stepdaughter living in her own
10 home). Initially, I did not know the location of this person
11 and/or whether the person had the ability to carry out his
12 threat.

13 "I also communicated the threat to my wife and family to
14 caution them and for us to be more vigilant for our safety.
15 The uncertainty of who made the threat (or what information
16 they possessed) also was a concern. I did not know if the
17 person had information on where we live or where we go to
18 church or where my wife works or where my kids attend school.
19 I communicated this to my family, which obviously caused alarm
20 with my wife, given the publicity and circumstances of the
21 Betty Shelby case. I also communicated this threat to my staff
22 at the courthouse so they would take precautions.

23 "I simply ask you to hold Mr. Stevens accountable for his
24 actions to the extent you deem appropriate (as I know you do in
25 every case.) I do consider threats made to myself and my

1 family as a serious matter. But I'm also thankful for the
2 quick investigation and actions of law enforcement as well as
3 the subsequent prosecution. I recognize that such cases as
4 these sometimes could have much more serious consequences.

5 "Thank you for your consideration.

6 "Sincerely, Doug Drummond."

7 **THE COURT:** Thank you very much.

8 And now I think Police Chief Chuck Jordan would like to say
9 a few words. Would you please come forward, Chief. If you
10 could just come up next to Mr. Shores, that would be fine.

11 Good morning.

12 **MR. JORDAN:** Good morning, ma'am.

13 You know, we're living in a time -- I've been a police
14 officer since 1969 and there was a time when we classified
15 threats as idle threats, things that, you know, somebody will
16 say something about, "When I get out of prison, I'm going to
17 come back and get you," those kinds of things. We take them
18 somewhat seriously. We don't really give a lot of credence to
19 them.

20 In today's time, every attack on police officers across the
21 country by people, murders of police officers across the
22 county, have all related back to the same issue that were
23 raised in these threats in this case about a police officer who
24 took -- used deadly force in an instance.

25 I was very concerned about this. I changed the security

1 policy -- or the things I did for my own personal security for
2 my wife and myself. I have one son who's still here in town,
3 he's also a police officer, I informed them. I say this was
4 something we don't take lightly anymore and I was concerned
5 about it. And I think this type of thing is going on far too
6 often in our country right now. It's just the seemingly
7 acceptance of threatening public officials and threatening
8 police officers and actually taking action against police
9 officers. This one actually altered my life some, Your Honor,
10 and I took a lot of precautions to prevent anything happening
11 in my family.

12 **THE COURT:** Thank you very much, Chief.

13 **MR. JORDAN:** Yes, ma'am.

14 **THE COURT:** And the district attorney, Mr. Kunzweiler?

15 **MR. SHORES:** Yes, Your Honor.

16 **THE COURT:** Good morning.

17 **MR. KUNZWEILER:** Good morning, Judge. Thank you.

18 I've prepared a written statement.

19 **THE COURT:** Thank you.

20 **MR. KUNZWEILER:** I well remember the day I was
21 informed by the Tulsa Police Department that a threat had been
22 made against me and my family. As a prosecutor for the past 28
23 years, I have accepted that my job will result in people being
24 angry at me for the decisions I'm required to make.

25 I remember the look on my youngest daughter's face when she

1 first heard of the specific threats Mr. Stevens made toward
2 her. It is not easy to explain to any child that there is a
3 man out there whom she's never met who intends to kidnap her,
4 torture her, and then kill her because of the job of her
5 father.

6 I remember how my wife reacted to the news of the threats
7 of Mr. Stevens. As any mother of three daughters, she wanted
8 to know who this guy was, where he lived, and what he looked
9 like. I remember her asking, "Connecticut? Why would someone
10 in Connecticut want to hurt our family?"

11 I remember finally obtaining a photograph of Mr. Stevens so
12 I could show it to my family. I remember telling them to
13 remember his face, and that if they ever saw him, they needed
14 to move away from him to the other side of the street and seek
15 the protection of anyone else who was around them.

16 Mr. Stevens' threat wasn't just directed towards me; he
17 threatened the Tulsa Police Department, Tulsa Police Department
18 Officer Betty Shelby and her family. I can only imagine, after
19 all that she has been through, what the added worry of
20 Mr. Stevens' threats has been upon her and her family. The
21 same holds true for the chief of police and for the judge
22 handling the case.

23 My next memory will be after today. Once this court
24 renders its ruling, I will be picking up my phone to inform my
25 wife and children what his sentence is. I will be telling them

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1 whether he will be walking out of this courthouse or out of the
2 penitentiary. I will be telling them when the last day of
3 whatever sentence he receives will be completed. I will again
4 be reminding them of what he looks like and warning them of
5 what they should do if they encounter him. I suspect the same
6 will be for the others who were threatened by him.

7 Mr. Stevens, like all of us, has a filter. It's called his
8 brain. He makes a choice when he speaks and when he acts. He
9 has no one else to blame than himself, and he knew exactly what
10 he was doing when he made those awful threats that no child
11 should ever hear.

12 And just like I had to warn my wife and children what to do
13 because of his actions, he too has been warned. He had many
14 warning signs in his life which informed him of the
15 consequences of good choices and bad choices. Whatever this
16 court does with Mr. Stevens does not change the impact of his
17 actions upon me and my family and the others he has threatened.

18 Today is Good Friday. In my faith, I have come to learn
19 that I need to forgive those who wrong me. So, Mr. Stevens, I
20 forgive you, but the impact of your crime will continue until
21 the day I'm convinced you are no longer a threat to me and my
22 family.

23 One day, Mr. Stevens will be out from under the punishment
24 this court will render for him; however, my family will always
25 have to be on the lookout for this man because he has

1 demonstrated he has no filter. My family will always be on the
2 lookout because we know, by his words, what he says he is
3 capable of doing to us and the other people he has threatened.
4 That is the lasting impact of his crime. He will be released
5 and he will -- and we will remain captives to the lingering
6 effects of his threats.

7 Thank you, Judge.

8 **THE COURT:** Thank you, Mr. Kunzweiler.

9 Any other victims present who wish to be heard? All right.
10 Thank you.

11 I will take the victims' statements, as well as the two
12 letters submitted on behalf of the defendant, in formulating a
13 reasonable and appropriate sentence in this matter.

14 Of course, I'm going to take the 18, U.S.C., Section
15 3553(a) factors into account to reach an appropriate and
16 reasonable sentence. And I'm going to take into account, of
17 course, the filings of the parties.

18 So, at this time, Mr. Widell, if you'd like to make remarks
19 on behalf of Mr. Stevens, including anything additional you'd
20 like to say in support of your motion.

21 **MR. WIDELL:** I think everyone can agree that
22 Mr. Stevens' language was wholly inappropriate. I like to
23 imagine that the fear of the impact that the statements had was
24 at least in some way diminished when they learned that federal
25 agents had not only identified but captured Mr. Stevens, that

1 he was 1,500 miles away, that he had no history of violence,
2 and after investigation the government concluded that he wasn't
3 a threat to anybody's safety. At least I assume that that was
4 the conclusion, because the initial recommendation from the
5 government was a sentence of probation. We certainly haven't
6 learned anything new about the offense conduct since that
7 point, so something has changed to change that recommendation.
8 In viewing the government's response, it's hard not to conclude
9 that, in large part, that was Mr. Stevens' letter to the court.

10 The government argues that Mr. Stevens impugned the
11 integrity of the U.S. Attorney's Office, and I suspect he did.
12 He didn't say anything positive about me either. It didn't
13 take long to get past that little sting, though, and it
14 shouldn't. I don't think it was wise for Mr. Stevens to have
15 sent that.

16 I do think that his speaking his mind, so long as it's not
17 a criminal act, shouldn't be held against him in this
18 courtroom, though. What I do think is that we should look at
19 the offense conduct and make a determination as to whether he's
20 a threat and whether incarceration is necessary under the
21 3553(a) factors. I think maybe the best way for the court to
22 make that determination is if they hear -- or if you hear from
23 Mr. Stevens himself.

24 That's all I have to say.

25 **THE COURT:** Thank you, Mr. Widell.

1 Mr. Stevens, would you like to make remarks on your own
2 behalf?

3 **THE DEFENDANT:** Yes, Your Honor.

4 I'm not very good at free speaking, as Mr. Widell is. I
5 wrote something briefly. And, if possible, I'd like to
6 personally apologize to these people --

7 **THE COURT:** Yes.

8 **THE DEFENDANT:** -- behind me afterward.

9 I'd like to start by saying that I'm sorry for the crimes I
10 committed. On the day of my arrest, I sat there for two hours
11 with nothing to do but read what I'd written, and I was shocked
12 and embarrassed by my language. And as the district attorney
13 mentioned here, my filter was off.

14 I don't know what I was thinking when I wrote those. I was
15 angry and obviously I wasn't thinking, not about what could
16 happen to me and not about how my words would be perceived and
17 how they'd hurt other people.

18 Also, I only need to know I made things worse when I
19 entered my motions. I was scared, I was overwhelmed, I was
20 confused by what had transpired here. I hope that everyone
21 realizes that I never intended to do or see come to pass by any
22 means any of the horrible things that I wrote. As you all
23 know, I've never harmed anybody in my life, but I definitely
24 understand why people could have taken it that way. I mean,
25 these people don't know me.

1 I don't want to ever be that angry person again. I was
2 very angry for numerous reasons, most of them my own fault, and
3 it caused people around me to suffer. It made me and my life
4 poorer. And I have been working with a counselor to improve
5 and identify what brought me to that point. We've talked about
6 many things, quite an eye-opener, and why I've been filled with
7 anger and fear, and more importantly, how to better deal with
8 those. He suggested literature for me to read on the subject
9 and we have regular appointments. Our next appointment is
10 scheduled for Wednesday.

11 My goal is to just restore myself to the person who
12 everybody -- everyone in my life knows me as and, of course, to
13 be a better partner to my much prettier half, Diane, the love
14 of my life, who has patiently put up with these last horrible
15 years of turmoil, two or three years.

16 I have also come to recognize once again something I always
17 knew, but positive change can't come from negative actions,
18 something that I'd always known but I lost sight of for a
19 while. And my words did nothing but increase the amount of
20 fear and anger already present in a very angry and fearful
21 world. By being a better person again, I hope to make that up.
22 I have always led by example, a good example, and I'm very
23 ashamed. I hope everybody can understand how sorry I am for
24 all this.

25 **THE COURT:** Thank you, Mr. Stevens.

1 Mr. Shores, remarks on behalf of the United States?

2 **MR. SHORES:** Your Honor, this has been an interesting
3 journey to get to where we are today. When these threats first
4 came across to the Tulsa Police Department website, as you
5 heard directly from Chief Jordan and DA Kunzweiler and the
6 words written by Judge Drummond, they had a very serious
7 impact, especially within the context of where the world was at
8 that time, where our world and our community was in the wake of
9 the Terence Crutcher shooting. And the words, while sent
10 across the Internet, had a very real-world impact. And when
11 Mr. Stevens says that everyone knows that he wouldn't harm
12 anyone, I would submit to the court that there is and was harm
13 in fact done, emotional, mental harm.

14 When Mr. Kunzweiler described the fear that his family had,
15 the fact that, as Mr. Drummond described, he did not know where
16 this individual was when these threats were initially made,
17 that is a harm.

18 And while we're here talking about threats made against
19 members of the Tulsa Police Department and justice officials in
20 Tulsa county and the city of Tulsa, Mr. Stevens' list of
21 victims extends far beyond that. This is a pattern of
22 behavior. As the court is aware through other filings, this
23 defendant has threatened President Trump, Speaker Ryan, NRA
24 representative Wayne LaPierre, Congressman Boehner, Senator
25 Ayotte, Governor Scott Walker, and the list goes on.

1 Your Honor, too often today individuals get on the Internet
2 and they make comments for the hope of stirring up some sort of
3 social discord. And if they're just using the Internet as a
4 marketplace to share their ideas on society and comment about
5 what is wrong, even if they speak in hyperbole and rhetoric,
6 then fine, but the First Amendment right to free speech is not
7 unfettered, and what individuals like Mr. Stevens cannot do is
8 get on the Internet and threaten the lives and well-being of
9 justice officials, of their families, of anyone else. That is
10 not right. And our justice system cannot function properly if
11 judges, if prosecutors, if defense attorneys, if peace officers
12 cannot go forth in their daily jobs doing what it is that they
13 do to serve the public without fear of retribution. It's
14 already a dangerous enough job. So we ask that you to take all
15 of those factors into account, Your Honor. The government is
16 asking for a guideline sentence in this case. And we
17 appreciate the court's time this morning.

18 **THE COURT:** Thank you.

19 I'll now state the sentence and then I'll ask counsel if
20 there's any legal reason why this sentence cannot be imposed as
21 stated.

22 The defendant filed a sentencing memorandum, docket number
23 49, and a motion for variance or nonguideline sentence, docket
24 number 50, requesting a probationary sentence based on 18,
25 U.S.C., Section 3553(a) factors.

1 Specifically, defendant contends that a sentence of
2 imprisonment is substantially greater than necessary as he has
3 no history of acting on any past threatening e-mails, a search
4 of his house produced no weapons, and a search of his computer
5 found no indication that he belongs to any radical groups.

6 The defendant further contends that, although his
7 psychological evaluation found that he does not suffer from any
8 psychological disorders, his belief that the communications
9 were necessary and appropriate, along with his post-plea
10 filings, seem to border on a mental illness. Therefore, he
11 contends that his loss of acceptance could have been avoided if
12 he had received proper treatment.

13 Additionally, his current counselor has reportedly
14 suggested that he should be evaluated for Post Traumatic Stress
15 Disorder. As the government originally offered a probationary
16 sentence in plea negotiations, the defendant contends that such
17 a sentence is appropriate.

18 The government filed government's sentencing memorandum and
19 response in opposition to defendant's motion for variance or
20 nonguideline sentence, docket number 51, requesting a sentence
21 within the advisory guideline range due to the defendant's
22 refusal to accept responsibility for his actions while
23 delivering another angry tirade against the criminal justice
24 system.

25 The court notes that the defendant's post-plea filings that

1 demonstrated a lack of acceptance of responsibility and a
2 concern for future similar conduct, his repetitive behavior,
3 and his lack of respect for the criminal justice system are all
4 aggravating factors that must be considered. However, the
5 defendant did not take any additional steps to act upon his
6 threats, including no firearms or weapons were found at any
7 time during the search of his residence, he is undergoing
8 counseling for his anger management issues, and he originally
9 received an offer of probation from the United States prior to
10 his ultimate plea without such a stipulation, as the government
11 was willing to recommend a probationary sentence with complete
12 knowledge of his prior conviction and conduct in the instant
13 offenses.

14 Therefore, given the totality of the circumstances, the
15 court grants, in part, defendant's motion for variance or
16 nonguideline sentence, docket number 50, and grants a downward
17 variance of 10 levels to a total offense level of 13. Combined
18 with a criminal history category of I, the resulting variance
19 guideline range is 12 to 18 months of imprisonment.

20 The court recognizes that the United States Sentencing
21 Guidelines are advisory and not mandatory, but has considered
22 the sentencing guidelines along with all the factors set forth
23 in 18, U.S.C., Section 3553(a) to reach an appropriate and
24 reasonable sentence in this case. In determining a sentence,
25 the court has considered the nature of the offenses and the

1 defendant's criminal history and personal characteristics.

2 This case involved the defendant sending 10 electronic
3 communications from his residence in Oklahoma to the Tulsa
4 Police Department Internal Affairs Unit in Tulsa, Oklahoma.
5 All of the messages sent by Stevens included threats to kill
6 members of the law enforcement and legal community of Tulsa and
7 Tulsa county and/or their families. Several of the threats
8 contained in the counts of conviction were directed by name to
9 Officer Betty Shelby and Chief of Police Chuck Jordan.

10 The defendant is a 59-year-old male with one prior
11 conviction for reckless endangerment based upon his telephone
12 threats of bombing a financial institution. He is unemployed,
13 with one adult child, and no formal mental health diagnosis or
14 substance abuse history.

15 Based on these factors, a sentence within the variance
16 guideline range will serve as an adequate deterrent to this
17 defendant as well as others, promote respect for the law,
18 provide just punishment for the offenses, and provide
19 protection for the public. Sentencing disparities among
20 defendants were considered in determining an appropriate
21 sentence in this case.

22 A term of supervised release is appropriate with special
23 conditions based upon the aforementioned factors and will allow
24 the defendant time to reintegrate into the community upon
25 release from imprisonment, be monitored for future law

1 violations, and receive appropriate mental health treatment.
2 Restitution is not a factor.

3 In accordance with applicable law, the court hereby imposes
4 the following sentence: It is the order and judgment of the
5 court that the defendant, Jeffrey Allen Stevens, is hereby
6 committed to the custody of the Bureau of Prisons to be
7 imprisoned for a term of 12 months as to each of Counts One
8 through Three, Nine and Ten. Said counts shall all run
9 concurrently each with the other.

10 The court recommends that the Bureau of Prisons initially
11 designate a federal medical center for a mental health
12 evaluation and a treatment plan. Secondly, the court
13 recommends that the defendant be placed in a facility that will
14 allow him the opportunity to participate in mental health
15 treatment as close to East Lyme, Connecticut, as possible.

16 Based on the defendant's financial profile, as outlined in
17 the presentence report, the court finds that the defendant does
18 not have the ability to pay a fine, therefore, no fine will be
19 imposed.

20 Upon release from imprisonment, the defendant shall be
21 placed on a term of supervised release for a period of three
22 years as to each of Counts One through Three, Nine and
23 Ten. Said counts shall run concurrently each with the other.
24 Should the term of supervised release be revoked, an additional
25 term of imprisonment of up to two years per count could be

1 imposed at each revocation.

2 Immediately upon release from confinement, but in no event
3 later than 72 hours, the defendant must report in person to the
4 probation office in the district where the defendant is
5 authorized to reside.

6 While on supervised release, the defendant must not commit
7 another federal, state, or local crime. The defendant must not
8 own, possess, or have access to a firearm, ammunition,
9 destructive device, or other dangerous weapon.

10 The defendant must, at the direction of the U.S. Probation
11 Officer, cooperate with and submit to the collection of a DNA
12 sample for submission to the combined DNA index system.

13 Further, the defendant must not possess a controlled
14 substance and must refrain from any unlawful use of a
15 controlled substance. The defendant must submit to one drug
16 test within 15 days of release on supervised release and at
17 least two periodic drug tests within 120 days for use of a
18 controlled substance.

19 The defendant must comply with the standard conditions that
20 have been adopted by this court and must comply with the
21 following additional special conditions:

- 22 1. The special search and seizure condition;
- 23 2. The special computer restriction and monitoring
24 condition;
- 25 3. The special mental health treatment condition.

1 It is further ordered that a \$100 special monetary
2 assessment per count, for a total of \$500, be paid immediately
3 to the United States Court Clerk for the Northern District of
4 Oklahoma.

5 Mr. Shores, do you know of any legal reason why the
6 sentence cannot be imposed as stated?

7 **MR. SHORES:** No, Your Honor.

8 **THE COURT:** And do you, Mr. Widell?

9 **MR. WIDELL:** I do not.

10 **THE COURT:** The court orders that the sentence be
11 imposed as stated.

12 Mr. Stevens, I have a duty to advise you that, subject to
13 your waiver of appellate and post-conviction rights that was
14 contained in your written plea agreement, you may have a right
15 to appeal the sentence that has been imposed. Do you
16 understand that any notice of appeal is due within 14 days of
17 the judgment?

18 **THE DEFENDANT:** Yes, Your Honor.

19 **THE COURT:** Also, if you wish to appeal, do you
20 understand there are forms in the clerk's office where you can
21 apply to appeal without prepayment of costs?

22 **THE DEFENDANT:** Yes, Your Honor.

23 **THE COURT:** At this time, Mr. Shores, I'd ask the
24 United States to move to dismiss Counts Four through Eight of
25 the indictment.

1 **MR. SHORES:** The United States does so move, Your
2 Honor.

3 **THE COURT:** Counts Four through Eight of the
4 indictment are hereby dismissed.

5 Mr. Shores, can I make the required findings for self-
6 surrender?

7 **MR. SHORES:** Yes, Your Honor, you may. The U.S.
8 stipulates.

9 **THE COURT:** The court finds by clear and convincing
10 evidence that the defendant is not likely to flee or pose a
11 danger to others or the community between now and his self-
12 surrender date and finds that he is a suitable candidate for
13 voluntary surrender. Therefore, the defendant shall surrender
14 to the designated facility before 2 p.m. on June 7, 2017.

15 Mr. Stevens, I want to advise you of two things. First,
16 the conditions of pretrial release that were imposed by the
17 magistrate judge when you first appeared in this district will
18 continue to apply until you self-surrender.

19 **THE DEFENDANT:** Yes, Your Honor.

20 **THE COURT:** I know you've been compliant, but if you
21 will continue to comply with those conditions, because if you
22 fail to do so, you could be immediately taken into custody. Do
23 you understand?

24 **THE DEFENDANT:** Yes, Your Honor.

25 **THE COURT:** You must also make arrangements to get

1 yourself to the designated facility on or before that date at
2 2 p.m. We're going to give you a card with that date on it.

3 **THE DEFENDANT:** Will that be Danbury, Connecticut,
4 probably?

5 **THE COURT:** No. You're going to wait to hear from the
6 Bureau of Prisons --

7 **THE DEFENDANT:** Okay.

8 **THE COURT:** -- where you will be sent, because I have
9 recommended a mental health evaluation and treatment plan. So,
10 wherever the medical center that the Bureau of Prisons decides,
11 you'll go first, and then, after that, if you're sent to
12 another facility, I have recommended it be where you get mental
13 health treatment and as close to your home as possible.

14 **THE DEFENDANT:** Yes, Your Honor.

15 **THE COURT:** Anything further on behalf of the United
16 States?

17 **MR. SHORES:** No, Your Honor. Thank you.

18 **THE COURT:** On behalf of the defendant?

19 **MR. WIDELL:** No, Your Honor.

20 **THE COURT:** All right. We'll be in recess in this
21 matter. Thank you.

22 **THE DEFENDANT:** Your Honor, --

23 **THE COURT:** Yes?

24 **THE DEFENDANT:** -- may I take a moment to personally
25 --

1 **THE COURT:** If they have no objection.

2 **THE DEFENDANT:** -- apologize to these people?

3 **THE COURT:** Chief Jordan and others, Mr. Stevens would
4 like to apologize.

5 **THE DEFENDANT:** Mr. Kunzweiler, Mr. Jordan -- is that
6 your name? -- I come from a law enforcement family.
7 Additionally, I personally lost people to misconduct by law
8 enforcement. These are the factors from both sides that have
9 affected me. I absolutely love and adore my entire family: my
10 mom was a deputy; Uncle Bill, who petitioned her to become a
11 deputy; my father figure was a judge; we have George
12 ...(INAUDIBLE)... These people I just adored.

13 Things have changed in this world. There's three times as
14 many people as when I was a kid. There's 20 times as many
15 guns. I understand cops are fearful, accidents are going to
16 happen. I understand that. My words were only trying to draw
17 attention to the fact that this is a different world, and maybe
18 we need more stringent acceptance policies and better training
19 and testing for law enforcement. My words were only meant to
20 shock. And again, I apologize.

21 That went well. Thank you, Your Honor.

22 **THE COURT:** Thank you.

23 (PROCEEDINGS CLOSED)

24

25

REPORTER'S CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT
TRANSCRIPT OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

CERTIFIED: s/Greg Bloxom
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